

By: Miller of Erath, et al.

H.B. No. 1765

Substitute the following for H.B. No. 1765:

By: Fletcher

C.S.H.B. No. 1765

A BILL TO BE ENTITLED

AN ACT

relating to an emergency public service messaging network.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. EMERGENCY PUBLIC SERVICE MESSAGING NETWORK

Sec. 418.201. DEFINITIONS. In this subchapter:

(1) "Digital display" means an electronic display that is in compliance with federal law and:

(A) is capable of displaying digital messages and images;

(B) for each display, measures at least 288 square feet and not more than 672 square feet, with a resolution of at least 15 millimeters;

(C) has emergency backup power for at least 24 hours of operation; and

(D) automatically adjusts to ambient light conditions and ensures the brightness of each display does not exceed .3 foot-candles over ambient light levels measured at a distance of 250 feet.

(2) "Emergency information network" means a system of digital displays that is controlled remotely from a centralized location.

(3) "Emergency management director" means a person

1 designated to serve as emergency management director under Section  
2 418.1015.

3 (4) "Health authority" has the meaning assigned by  
4 Section 81.003, Health and Safety Code.

5 Sec. 418.202. LOCAL PUBLIC HEALTH AND PUBLIC SAFETY ALERTS.

6 (a) With the cooperation of the Texas Department of Transportation  
7 and emergency management directors, the division shall develop and  
8 implement a system for municipalities and counties to issue local  
9 public health and public safety alerts through an emergency  
10 information network developed under Section 418.203.

11 (b) The local public health and public safety alerts may  
12 include:

13 (1) AMBER alerts or other alerts issued under  
14 Subchapter L, Chapter 411;

15 (2) silver alerts issued under Subchapter M, Chapter  
16 411;

17 (3) blue alerts issued under an executive order;

18 (4) homeland security alerts; and

19 (5) emergency public service messages provided to  
20 motorists:

21 (A) during a severe weather advisory;

22 (B) during an evacuation that has been ordered or  
23 recommended under this chapter; or

24 (C) following a declaration of a state of  
25 disaster issued under this chapter.

26 Sec. 418.203. EMERGENCY INFORMATION NETWORK. (a) In this  
27 section, "contractor" means a person who contracts with the

1 division to implement the emergency information network.

2 (b) The division shall coordinate with the Texas Department  
3 of Transportation to implement an emergency information network  
4 along highways that are designated evacuation routes and highways  
5 in urban areas that are adjacent to designated evacuation routes. A  
6 digital display that is part of the emergency information network  
7 must be located only within the corporate limits or  
8 extraterritorial jurisdiction of a municipality.

9 (c) The emergency information network must be able to:

10 (1) display local public health and public safety  
11 alerts described by Section 418.202(b);

12 (2) display the most currently available information  
13 and relevant digital images regarding the availability of fuel,  
14 food, lodging, and 24-hour pharmacy services located along highways  
15 described by Subsection (b); and

16 (3) disseminate the information described by  
17 Subdivisions (1) and (2) to each applicable digital display in the  
18 network.

19 (d) The digital displays must be installed in a sufficient  
20 number and located in sufficiently high population and high traffic  
21 areas to ensure the emergency information network disseminates  
22 information to the maximum number of motorists. A digital display  
23 may not be located in a residential neighborhood or along a highway  
24 that is designated as a scenic byway.

25 (e) The division, through competitive bidding, shall  
26 contract with a person to implement the emergency information  
27 network at no cost to the state. The contract must include terms

1 that require the contractor to:

2 (1) erect and maintain new digital displays on private  
3 property along highways described by Subsection (b) and in areas  
4 described by Subsection (d);

5 (2) display the local public health and public safety  
6 alerts described by Section 418.202(b);

7 (3) collect the information described by Subsection  
8 (c)(2); and

9 (4) display the information described by Subdivision  
10 (3) on digital displays.

11 (f) Before the contractor may erect a digital display, the  
12 contractor must obtain consent, in writing, from:

13 (1) the emergency management director for the  
14 municipality in which the display is to be erected; and

15 (2) the person who owns the property on which the  
16 display is to be erected.

17 (g) If a digital display authorized under this section is  
18 not being used to display the information described by Subsection  
19 (c), the contractor may:

20 (1) display commercial digital messages;

21 (2) charge the prevailing market rate for displaying  
22 commercial digital messages; and

23 (3) retain the prevailing market rate for displaying  
24 commercial digital messages.

25 (h) Not later than January 31 of each year, the contractor  
26 shall pay a total of five percent of the gross revenue generated  
27 from each digital display during the preceding year as follows:

1           (1) two and one-half percent to the comptroller for  
2 deposit in the general revenue fund; and

3           (2) two and one-half percent to the municipality in  
4 whose corporate limits or extraterritorial jurisdiction the  
5 digital display is located.

6           (i) The emergency information network must be operated to  
7 maximize the payments under Subsection (h).

8           (j) After the expiration of the contract described by  
9 Subsection (e), if the division does not award the contractor a  
10 contract to continue operating the emergency information network,  
11 the division shall order the contractor to:

12           (1) remove the digital displays at the sole expense of  
13 the contractor; or

14           (2) convey the digital displays to a person who is  
15 awarded a contract to operate the emergency information network.

16           (k) Under a conveyance described by Subsection (j)(2), the  
17 person who is awarded the contract must agree to indemnify the  
18 contractor and pay the contractor for the digital displays. The  
19 cost for the digital displays shall be determined according to a  
20 formula negotiated in the contract described by Subsection (e).

21           (l) The contractor is responsible for the entire cost of  
22 moving the display if the construction of a highway requires a  
23 digital display to be moved.

24           (m) Notwithstanding other law, the location and erection of  
25 a digital display authorized under this section is governed only by  
26 federal law and this section.

27           (n) The division may adopt rules to implement this section.

1       (o) The division shall implement this section using  
2 existing resources.

3       Sec. 418.204. ADMINISTRATION. (a) The division shall  
4 coordinate the local public health and public safety alert system  
5 described by Section 418.202(a).

6       (b) The division shall adopt standards as necessary to  
7 ensure proper implementation of the alert system. The standards  
8 must address:

9           (1) the procedures to be used by a health authority to  
10 verify a threat to public health within the health authority's  
11 jurisdiction;

12           (2) the procedures to be used by a local law  
13 enforcement agency to verify a threat to public safety within the  
14 agency's jurisdiction; and

15           (3) the procedures to be used by an individual or  
16 entity to report information about a threat to public health or  
17 public safety.

18       (c) The division shall prescribe forms for use by an  
19 emergency management director for a municipality or county in  
20 requesting activation of the alert system.

21       Sec. 418.205. DUTIES OF TEXAS DIVISION OF EMERGENCY  
22 MANAGEMENT. The division shall:

23           (1) cooperate with the Texas Department of  
24 Transportation and emergency management directors and assist in  
25 developing and implementing the alert system described by Section  
26 418.202(a); and

27           (2) establish a plan for providing relevant

1 information to the public in affected areas of the state through the  
2 emergency information network developed under Section 418.203.

3 Sec. 418.206. NOTIFICATION TO DIVISION OF LOCAL THREAT TO  
4 PUBLIC HEALTH OR PUBLIC SAFETY. (a) An emergency management  
5 director may notify the department if the emergency management  
6 director receives notice from:

7 (1) a health authority of a verified threat to public  
8 health within the health authority's jurisdiction; or

9 (2) a local law enforcement agency of a verified  
10 threat to public safety within the agency's jurisdiction.

11 (b) The emergency management director must determine that  
12 the information provided by a health authority or a local law  
13 enforcement agency poses a credible threat to the municipality or  
14 county.

15 Sec. 418.207. ACTIVATION. (a) On the request of an  
16 emergency management director, the division shall activate the  
17 alert system described by Section 418.202(a) and notify appropriate  
18 participants in the alert system.

19 (b) The division shall send the alert to designated media  
20 outlets in the area affected by the public health or public safety  
21 threat. Following receipt of the alert, participating media  
22 outlets may issue the alert at designated intervals.

23 Sec. 418.208. CONTENT OF LOCAL PUBLIC HEALTH OR PUBLIC  
24 SAFETY ALERT. A local public health or public safety alert must  
25 include:

26 (1) all appropriate information that is provided by  
27 the emergency management director; and

1           (2) information on whom an individual in the affected  
2 area can contact for more information.

3           Sec. 418.209. TERMINATION OF LOCAL PUBLIC HEALTH OR PUBLIC  
4 SAFETY ALERT. (a) The division shall terminate any activation of  
5 the alert with respect to a local public health or public safety  
6 threat not later than the earlier of the time at which:

7           (1) the local public health or public safety threat is  
8 resolved; or

9           (2) the notification period ends, as determined by  
10 standards adopted by the division.

11           (b) An emergency management director that requests  
12 activation of the alert system under this subchapter shall notify  
13 the division as soon as possible that the local public health or  
14 public safety threat is resolved.

15           SECTION 2. The Texas Division of Emergency Management shall  
16 ensure the emergency information network under Section 418.203,  
17 Government Code, as added by this Act, is functionally operational  
18 no later than June 30, 2012.

19           SECTION 3. This Act takes effect September 1, 2011.